REMARKS

Claims 1-23 are currently pending in this application. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Claim Rejections Under 35 U.S.C. §102

Claims 1-23 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,711,299 to Manwarring et al. (Manwarring et al. '299). The Examiner stated that Manwarring et al. '299 teaches all of the features of the present invention. Applicant respectfully traverses this rejection.

As stated by the Examiner, column 3, lines 31-57 and column 4, lines 1-22 of Manwarring et al. '299 refer to a controller (18) which determines the current position of the surgical probe and memory (20) storing previously acquired tomograms, and column 9, lines 35-43 of Manwarring et al. '299 describe the use of tomograms to guide the surgical probe by identifying its current location. As the Examiner is undoubtedly aware, tomograms refer to x-ray-type photographs taken of a selected plane of the body, such as those produced by methods such as computerized axial tomography (CT), magnetic resonance imaging (MRI) and positron emission tomography (PET). Manwarring et al. '299 also teaches the use of a trajectory which is determined prior to surgery. The system is to assist the surgeon to follow the predetermined trajectory to a target site. (Column 4, lines 4-22). In other words, the system of Manwarring et al. '299 directs the surgeon along the predetermined trajectory and indicates if the surgeon deviates from the predetermined trajectory and provides information regarding which direction to advance the surgical probe to correct the trajectory of the probe.

Claim 1 of the present application does not include the use of tomograms to guide the surgical probe. Claim 1 of the present application includes a system for tracking the location of an interventional device within an anatomical site. The system includes a magnetometer system which is adapted to provide present-position coordinate data related to the present position of the device and future present-position coordinated data related to future positions of the device as the device is moved about the anatomical site. The system also includes a processor which communicates with a database. The database stores coordinate data of a plurality of past

positions of the device. The processor is adapted to: (1) receive present-position coordinate data for the device; (2) process the present-position coordinate data of the device; and (3) output repeat-position indication data when present-position coordinate data for the device is substantially the same as one of the past-position coordinate data of the device.

Also, rather than having a predetermined trajectory upon which to guide the interventional device as described in Manwarring et al. '299, claim 1 of the present application includes indication data which indicates when the present-position coordinate data of the device is substantially the same as one of the past-position coordinate data of the device. In other words, the system claimed in claim 1 of the present application indicates when the device is positioned substantially in a location which the device has already passed, not whether the device is positioned along a trajectory determined prior to surgery. Moreover, Manwarring et al. '299 does not teach a system which receives and processes present-position coordinate data of the device and outputs repeat-position indication data when the present-position coordinate data for the device is substantially the same as one of the past-position coordinate data of the device.

Independent claims 15 and 23 are method claims including steps which correspond to the elements of the apparatus of independent claim 1. In view of the foregoing response to the rejection of independent claim 1, Applicants submit that Manwarring et al. '299 fails to teach the invention claimed in independent claims 1, 15 and 23. Accordingly, Applicants request reconsideration of the §102 rejections of claims 1, 15 and 23 and their respective dependent claims.

CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, reconsideration and allowance of all of Applicants' claims 1-23 are believed to be in order and an early Notice of Allowance to this effect is earnestly solicited.

Respectfully submitted,

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